

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the  
Southern District of New York

JOHN OLAGUES

*Plaintiff*

v.

CARL C. ICAHN, HIGH RIVER LIMITED PARTNERSHIP, ICAHN PARTNERS  
LP, ICAHN PARTNERS MASTER FUND LP, ICAHN PARTNERS MASTER  
FUND II LP, ICAHN PARTNERS MASTER FUND III LP and HERBALIFE LTD.

*Defendant*

Civil Action No. 15-cv-00898-GHW

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Carl C. Icahn  
c/o Icahn Associates Holding LLC  
767 Fifth Avenue, Suite 4700  
New York, NY 10153  
See Attachment A

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jack G. Fruchter  
Abraham, Fruchter & Twersky, LLP  
One Pennsylvania Plaza, Suite 2805  
New York, New York 10119

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**Attachment A**

High River Limited Partnership  
White Plains Plaza  
445 Hamilton Avenue, Suite 1210  
White Plains, NY 10601

Icahn Partners LP  
White Plains Plaza  
445 Hamilton Avenue, Suite 1210  
White Plains, NY 10601

Icahn Partners Master Fund LP  
White Plains Plaza  
445 Hamilton Avenue, Suite 1210  
White Plains, NY 10601

Icahn Partners Master Fund II LP  
White Plains Plaza  
445 Hamilton Avenue, Suite 1210  
White Plains, NY 10601

Icahn Partners Master Fund III LP  
White Plains Plaza  
445 Hamilton Avenue, Suite 1210  
White Plains, NY 10601

Herbalife Ltd.  
800 West Olympic Blvd.  
Los Angeles, California 90015